

Panaji, 8th April, 1988 (Chaitra 19, 1910)

SERIES I No. 1

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Legislature Department

LA/B/960/1988

Dt. 22/3/1988

The following Bill which was introduced in the Legislative Assembly of Goa on 22/3/1988 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Money Lenders' (First Amendment) Bill, 1988

(Bill No. 20 of 1988)

A

BILL

further to amend the Goa, Daman and Diu Money Lenders' Act, 1977.

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Money Lenders' (First Amendment) Act, 1988.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1.*— In section 1 of the Goa, Daman and Diu Money Lenders' Act, 1977

(Act 7 of 1977) (hereinafter referred to as the "principal Act"),—

(i) in sub-section (1), the words "Daman and Diu" shall be deleted;

(ii) in sub-section (2), for the words "Union territory of Goa, Daman and Diu", the words "State of Goa" shall be substituted.

3. *Amendment of section 2.*— In section 2 of the principal Act,—

(i) for clause (c), the following clause shall be substituted, namely:—

"(c) "Government" means the Government of Goa,";

(ii) in clause (i), under Explanation, for the words "Union territory", wherever they occur, the word "State" shall be substituted;

(iii) for clause (m), the following clause shall be substituted, namely:—

"(m) "State" means the State of Goa,"

4. *Amendment of section 7.*— For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. *Interest and charges allowed to money lenders.*— No money lender shall charge interest on any loan at a rate exceeding such rate as the Government may, by notification, fix from time to time:

Provided that the rate of interest as may be fixed by the Government shall be correlated to the current bank rates of lending as may be fixed by the Reserve Bank of India, from time to time".

5. *Amendment of section 22.*— In section 22 of the principal Act, in sub-section (3), the words "Daman and Diu" shall be deleted.

Statement of Objects and Reasons

The Money Lenders Act, 1977 and Rules framed thereunder stipulates the interest to be charged on loans as 9% and 12% p. a. in the case of secured and unsecured ones respectively. The rates of interests are very much on lower side, taking into consideration the prevailing Bank lending rates (which are much higher) and also the present inflationary trends and tight money market. If this rate is to be enhanced, amendment to this Act should be carried out. It is not correct to lay down rates of interest chargeable on loans, in Acts and Rules because they undergo changes from time to time and every time the Acts or Rules will have to be amended. Hence the proposed amendment is necessary.

Financial Memorandum

No additional expenditure is involved due to the proposed amendment.

Panaji,
3-3-1988.

PRATAPSINGH RAOJI RANE
CHIEF MINISTER

Assembly Hall,
Panaji,
11-3-1988.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 20 of 1988)

The Goa Money Lenders' (First Amendment) Bill, 1988

The Goa, Daman and Diu Money Lenders' Act, 1977

1. *Short title, extent and commencement.* — (1) This Act may be called the Goa, Daman and Diu Money Lenders' Act, 1977.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

2(c) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

2(1) *Explanation:* — Where a person who carries on in the Union territory the business of advancing and realising loans is resident outside the Union territory, the agent of such person resident in the Union territory shall be deemed to be money-lender in respect of that business for the purposes of this Act;

2(m) "Union territory" means the Union territory of Goa, Daman and Diu;

7. Interest and charges allowed to money-lenders. — No money-lender shall charge interest on any loan at a rate exceeding nine per cent per annum, simple interest, where the loan is a secured loan, or at a rate exceeding twelve per cent per annum, simple interest, where the loan is not a secured loan.

22.(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly of Goa, Daman and Diu, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid or the session immediately following, the Legislative Assembly makes any modifications in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Assembly Hall,
Panaji,
11-3-1988.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

LA/B/959/1988

Dt. 22/3/1988

The following Bill which was introduced in the Legislative Assembly of Goa on 22/3/1988 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of procedure and Conduct of Business of the Legislative Assembly.

The Goa (Extension of the Bankers'
Books Evidence Act) Bill, 1988

(Bill No. 19 of 1988)

A

BILL

to provide for the extension of the Bankers' Books Evidence Act, 1891 to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Goa (Extension of the Bankers' Books Evidence Act) Act, 1988.

2. *Definitions.* — In this Act, unless there is anything repugnant in the subject or context,—

(a) "notification" means a notification published in the Official Gazette; and

(b) "Official Gazette" means the Goa Government Gazette.

3. *Extension of Bankers' Books Evidence Act, 1891.* — The Bankers' Books Evidence Act, 1891 (Central Act 18 of 1891) as in force in the territories to which it generally extends, is hereby extended to and shall be in force in the State of Goa.

4. *Repeal and Savings.* — So much of any law in force in the State of Goa as corresponds to the Bankers' Books Evidence Act, 1891 (Central Act 18 of 1891), shall stand repealed as from the coming into force of this Act in the State of Goa:

Provided that the repeal shall not affect —

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the preceding proviso, anything done or any action taken (including any rules made) under any law so repealed shall, in so far as they are consistent with the said Act, be deemed to have been done or taken under the corresponding provisions of the said Act as extended to Goa by this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Statement of Objects and Reasons

Due to non extension of the Bankers' Books Evidence Act, 1891 to this State, copies of entries in bankers' books cannot be made receivable in evidence, thus causing hardship to the concerned section of the public. This Bill, therefore, seeks to extend the Bankers' Books Evidence Act, 1891 to this State so as to render the entries in bankers' books admissible in evidence and to enable copies of the entries to be used instead of compelling the Bank to produce the original entries.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
29-2-1988.

P. R. RANE
Chief Minister

Assembly Hall,
Panaji,
11-3-1988.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

LA/B/962/1988

Dt. 22/3/1988

The following Bill which was introduced in the Legislative Assembly of Goa on 22/3/1988 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of procedure and Conduct of Business of the Legislative Assembly.

The Goa Plots and Flats Ownership Regulation Bill, 1988

(Bill No. 22 of 1988)

A

BILL

to regulate the development of plots and construction of buildings for housing purposes and sale, management and transfer of plots and flats on ownership basis in the State of Goa.

Whereas there has been a tremendous increase in the development of plots for housing purposes and building activities, due to the acute shortage of housing in the several areas of the State of Goa;

And whereas the absence of suitable legislation has led to various mal-practices, abuse in the sale

of plots for housing purposes and construction, sale and purchase of ownership flats in the State of Goa;

And whereas it has been found necessary and expedient to make provisions for the regulation of the development of plots and construction of buildings for housing purposes, and sale, management and transfer of plots and flats on ownership basis.

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows:

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Plots and Flats Ownership Regulation Act, 1988.

(2) It extends to the whole of the State of Goa.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force in such areas and on such dates as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas and for different provisions of the Act.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "advertisement" means words, letters, model, sign, placard, board, notice, device or representation in any manner whatsoever, wholly or in part, intended for the purpose of advertisement, announcement or anything adapted for the display or advertisement;

(b) "apartment" means a part of any property, intended for any type of independent use, including one or more rooms or enclosed spaces located on one or more floors or any part or parts thereof, in a multi-storeyed building to be used for residence or office or for the practice of any profession, or for such other type of independent use as may be prescribed and with a direct exit to a public street, road or highway, or to a common area leading to such street, road or highway, and includes any garage or room (whether or not adjacent to the multistoreyed building in which such apartment is located) provided by the promoter for use by the owner of such apartment for parking any vehicle or, as the case may be, for the residence of any domestic aide employed in such apartment;

(c) "building of flats" means a building containing four or more flats or two or more buildings each containing two or more flats comprising a part of the property;

(d) "competent authority" means the officer appointed by the Government by notification in the Official Gazette, to exercise and perform all or any of the powers and functions of the competent authority under this Act and the rules made thereunder;

(e) "common areas and facilities" means and includes:—

(i) the land on which the building is located;

(ii) the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors,

lobbies, stairs, stairways, fire escapes and entrances and exits of the building;

(iii) the basements, cellars, yards, gardens, parking areas and storage spaces;

(iv) the premises for the lodging of janitors;

(v) installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerators;

(vi) the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

(vii) stilt portion;

(viii) open spaces;

(ix) space below the staircase or similar spaces under the overhead watertank, etc.;

(x) common lavatories and common bath rooms and passages leading to them;

(xi) office premises, pump room, electric sub-station, etc.;

(xii) such other community or commercial facilities as are provided under the agreement under section 7 of this Act;

(xiii) all other parts of the property necessary for maintenance and safety of the property.

(f) construction of a block or building of flats includes conversion of a building or part thereof into flats;

(g) "Government" means the Government of Goa;

(h) "flats" means a separate and self contained set of premises used or intended to be used for residence or office, showroom or shop or godown and includes a garage, premises forming part of a building and an apartment.

Explanation. — Notwithstanding that provision is made for sanitary, washing, bathing or other conveniences as common to two or more sets of premises, the premises shall be deemed to be self contained;

(i) "plots" means a continuous portion of land held in one ownership;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "promoter" means a person who develops or causes to be developed a "plot" for sale for housing purposes, or who constructs or causes to be constructed a block or building of flats for the purpose of selling some or all of them to other persons or to a company, cooperative society or other association of persons, and includes his assignees, and where the person who develops the plot or builds the buildings with flats and the person who sells are different persons, the term includes both;

(l) "Official Gazette" means the Official Gazette of the Government;

(m) "Registrar" means a person appointed to be the Registrar of Cooperative Societies under the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa.

3. Promoter to obtain licence before starting development of plots or construction of flats. — (1) Notwithstanding anything contained in any other law, a promoter who intends to develop a plot for housing purposes or to construct a building of flats shall make an application to the competent authority for the grant of licence to develop or build the same, in such form and pay such fees as may be prescribed. The application shall be accompanied by an income tax clearance certificate.

(2) The grant of a licence to any person for construction of a building of flats shall be subject to the following conditions: —

(i) he must possess a clear title to the land on which apartments are proposed to be constructed and produce documentary evidence to the prescribed authority in support thereof;

(ii) the plan for construction of flats should be in accordance with the provisions of the relevant laws, rules, orders or of the Master or Zonal Development Plan as evidenced by written permission/licence/no objection certificate from competent authority or authorities;

(iii) in case the land is held on lease-hold basis, clearance from the lessor for construction of apartments must be produced;

(iv) he should furnish a bank guarantee equal to 25% of the estimated cost of the proposed building of apartments as security for the due performance of the obligations under this Act and the rules framed thereunder and the agreement to be entered into with the prospective buyers of apartments.

(3) The grant of licence to any person for development of plots for housing purposes shall be subject to the following conditions: —

(i) he must possess clear title to the plot of land which he is developing for housing purpose and produce documentary evidence to the prescribed authority in support thereof;

(ii) clearance of the competent authority under the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1974).

4. Competent Authority empowered to conduct enquiry before grant of licence and fix the period of validity of licence. — (1) On receipt of the application, the competent authority after conducting such enquiry as he deems fit, by an order in writing shall —

(a) grant a licence in the prescribed form; or

(b) refuse to grant a licence by means of a speaking order after affording the applicant an opportunity of being heard.

(2) The licence so granted shall be valid for such period as may be allowed by the competent authority after taking into account the scheme of construction submitted by the promoter, and will be renewable from time to time for a period of one year on payment of the prescribed fee.

5. General Liabilities of Promoter. — (1) Notwithstanding anything contained in any other law, a promoter who intends to develop a plot of land for

housing purposes or constructs a block or building of flats, all or some of which are to be taken or are taken on ownership basis, shall in all transactions with persons intending to take or taking one or more of such flats, be liable to give or produce, or cause to be given or produced, the information and the documents hereinafter in this section mentioned.

(2) A promoter, who constructs or intends to construct such block or building of flats, shall —

(a) make full and true disclosure of the nature of his title to the land on which the flats are constructed, or are to be constructed, such title to the land as aforesaid having been duly certified by an Advocate of not less than three years standing;

(b) make full and true disclosure of all encumbrances on such land, including any right, title, interest or claim of any party in or over such land;

(c) give inspection on seven days' notice or demand, of the plans and specifications of the building built or to be built on the land, such plans and specifications having been approved by the local authority which he is required so to do under any law for the time being in force;

(d) disclose the nature of fixtures, fittings and amenities (including the provision for one or more lifts) provided or to be provided;

(e) disclose on reasonable notice or demand, if the promoter is himself the builder, the prescribed particulars as respects the design and the materials to be used in the construction of the building, and if the promoter is not himself the builder, disclose on such notice or demand, all agreements (and where there is no written agreement, the details of all agreements) entered into by him with the architects and contractors regarding the design, materials and construction of the building;

(f) specify in writing the date by which possession of the flat is to be handed over to the purchaser;

(g) prepare and maintain a list of flats with their numbers already taken or agreed to be taken, and the names and addresses of the parties, and the price charged or agreed to be charged therefor, and the terms and conditions, if any, on which the flats are taken or agreed to be taken;

(h) state in writing, the precise nature of the organisation of persons to be constituted and to which the title is to be passed, and the terms and conditions governing such organisation of persons who have taken or are to take the flats;

(i) not allow persons to enter into possession until a completion certificate, where such certificate is required to be given under any law, is duly given by the local authority;

(j) make a full and true disclosure of all outgoings (including ground rent or any municipal or other local taxes, taxes on income, water charges and electricity charges, revenue assessment, interest on any mortgage or other encumbrances, if any);

(k) make a full and true disclosure of such other information and documents, in such manner as may be prescribed, and give on demand true copies of such of the documents referred to in any of the clauses of this sub-section as may be prescribed at a reasonable charge therefor;

(l) give estimated cost of the building of flats proposed to be constructed;

(3) A promoter who intends to develop a plot of land for housing purpose shall —

(a) make full and true disclosure of the nature of his title to the land which is proposed to be developed for housing purposes;

(b) make full and true disclosure of all encumbrances, if any, on such plot including any right, title, interest or claim of any party in or over such plot of land;

(c) specify in writing the date by which the plot in question is expected to be fully developed for the housing purposes;

(d) make true indication of the terms and conditions, if any, on which the plot of land is proposed to be sold including the price charged/ /agreed to be charged therefor;

(e) make full and true disclosure of such other information and documents in such manner as may be prescribed and give on demand true copies of such documents.

6. *Liability of a promoter for carrying out development of plot/construction of building in accordance with the agreement entered into with the prospective buyers of land or flats and to pay proportionate development charges.* — (1) A promoter who has been granted a licence for the development of a plot for housing purposes or construction of building of flats, all or some of which are meant for sale and who has entered into agreement with the prospective buyers of such plots/flats shall —

(a) carry out and complete development of land or construction of the flats in accordance with the requirements of the prospective buyers of the plot of land or flats;

(b) pay proportionate development charges if the main lines of roads, drainage, sewerage, telegraph lines, water supply and electricity are to be laid out and constructed by the Government or any other local authority. The proportion in which and the time within which such payments are to be made shall be determined by the competent authority;

(c) be responsible for the maintenance and up-keep of all roads, open spaces, drainage and other public health services till such time the plots so developed or flats so constructed are transferred to the prospective buyers of such plots or flats and all the roads, open spaces, drainage and other common areas are transferred without any further payment to the cooperative society for maintenance and up-keep as soon as the cooperative society is formed by the said owners;

(d) construct at his own cost, or get constructed by any other institution or individual at its cost, schools, hospitals, community centres and

other community buildings on the lands set apart for this purpose, or to transfer to the Government at any time, if so desired by the Government, free of cost the land set apart for schools, hospitals, community centres and community buildings, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may deem fit;

(e) permit the competent authority or any other officer authorised by him to inspect the execution of the lay out and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the licence granted:

Provided that, if the competent authority, having regard to the amenities which exist or are proposed to be provided in the locality, is of the opinion that it is not necessary or possible to provide one or more such amenities, may exempt the licencees from providing such amenities either wholly or in part.

7. *Promoter before accepting advance payment or deposit to enter into agreement and agreement to be registered.*—Notwithstanding anything contained in any other law, a promoter who intends to construct or constructs a block or building of flats, all or some of which are to be taken or are taken on ownership basis, shall, before he accepts any sum of money as advance payment or deposit, which shall not be more than 20 per cent of the sale price execute an agreement in the form as may be prescribed for sale with each of such persons who are to take or have taken such flats, and shall cause its registration under the Registration Act, 1908 (Central Act 16 of 1908) before giving possession of the flats to the purchaser.

8. *Prospectus, advertisement or notice offering plots or flats for sale to be issued subject to certain conditions.*—No person shall issue a prospectus, advertisement or notice, offering or purporting to offer for sale any plots or flats or inviting the public to make deposits or advances unless the following conditions are fulfilled:

(i) The promoter must have obtained a licence under the Act for construction of apartments or for development of plots for sale to the public;

(ii) A copy of the prospectus, advertisement or notice should be delivered on or before its publication to the prescribed authority;

(iii) the prospectus, advertisement or notice should make full and true disclosure of the nature of the title of the promoter to the land, details of the proposed construction, designs, quality of materials to be used, the date by which possession will be handed over and such other matters as may be prescribed;

(iv) the prospectus, advertisement or notice must be made available for inspection, and indicate the place and time for inspection of documents, certificates from experts like architects, etc. mentioned in the prospectus;

(v) In case the prospectus, advertisement or notice makes a reference to the opinion of experts

like architects, their prior consent therefor should be obtained and a statement to that effect should be made in it.

9. *Persons liable to compensate affected persons for mis-statements in prospectus.*—(1) Where a prospectus, advertisement or notice invites persons to take flats or plots and to make advances or deposits therefor, the following persons shall be liable to pay compensation to every person who makes such advances or deposits on the faith of such prospectus, advertisement or notice for any loss or damage he may have sustained by reasons of any untrue statement included therein:

(a) The promoters if they are individuals;

(b) Every partner of the firm, if the promoter is a firm;

(c) If the promoter is a company, every person who is a Director of the company at the time of the issue of the prospectus, advertisement or notice.

(2) No person shall be liable under the above provisions if he proves—

(a) that having consented to become a Director of the company, he withdrew his consent before the issue of the prospectus, and that it was issued without his authority or consent;

(b) that the prospectus was issued without his knowledge or consent and that on becoming aware of its issue, he forthwith gave reasonable public notice that it was issued without his knowledge or consent;

(c) that after the issue of the prospectus and before any agreement was entered into with the buyers of plots or flats, he on becoming aware of any untrue statement therein, withdrew his consent to the prospectus and gave reasonable public notice of the withdrawal and of the reason therefor.

10. *Criminal liability of promoters etc. for mis-statement in prospectus.*—Where any prospectus, advertisement or notice issued at the commencement of this Act includes any untrue statement, every person who authorised the issue of the prospectus shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to rupees five thousand or with both unless he proves either that the statement was immaterial or that he had ground to believe, and did, upto the time of issue of the prospectus believe that the statement was true.

11. *Promoter to maintain separate account of sums taken as advance or deposit and to be trustee therefor and disburse them for which given.*—The promoter shall maintain a separate account in any bank of sums taken by him from persons intending to take or who have taken plots or flats, as advance or deposit, including any sums so taken towards the share capital for the formation of a co-operative society or a company or towards the outgoings (including ground rent if any, municipal or other local taxes, taxes on income, water charges, electricity charges, revenue assessment, interest on any mortgage or other encumbrances if any); and he shall

hold the said moneys for the purposes for which they were given and shall disburse the moneys for those purposes and shall on demand render full and true account of the transaction entered into by him to the flat takers or their organisation and shall on demand in writing by the competent authority within a month, make full and true disclosure of all transactions in respect of that account.

12. Responsibility for payment of outgoing till property is transferred.—(1) A promoter shall, while he is in possession, and where he collects from persons who have taken over plots of land or flats or are to take over plots of land or flats, sums for the payment of outgoings, pay all out-goings (including ground rent, municipal or other local taxes, taxes on income, water charges, electricity charges, revenue assessment, interest on any mortgage or other encumbrances, if any), until he transfers the property to the persons taking over the plots of land or flats or to the organisation of any such persons.

(2) The promoter shall render full and true account of the amounts collected by him and the payments of outgoings effected by him before transfer of the plots of land or flats to the plots of land or flat takers or their organisation.

(3) The promoter shall not collect any amounts towards outgoing of the property once an organisation of the plots of land or flat takers is registered.

(4) The promoter shall present the statement of its receipt to the plots of land or flat takers or their municipal taxes within three days from the date of organisation.

(5) Where there is a dispute as regards any defect in the building or material used, or any unauthorised change in the construction, or as to whether it is reasonably possible for the promoter to rectify any such defect or change, or as regards the amount of reasonable compensation payable in respect of any such defect or change which cannot be or is not, rectified by the promoter, the matter shall on payment of such fee as may be prescribed be referred for decision to the competent authority. The competent authority himself or through an official authorised by him, within a period of one year from the date of handing over possession shall, after inquiry, record his decision which shall be final.

(6) After the specifications and area of the plots as approved for development by the Authority concerned are disclosed or furnished to the persons who agree to purchase the plots, the promoter shall not make any alterations in the specifications and area of the plots, or effect any change in the plots so agreed upon to be purchased by the prospective buyers of the plots.

13. After plans and specifications are disclosed, no alterations or additions are to be made without consent of persons who have agreed to take flats/plots of land and defects noticed within a year to be rectified.—(1) After the plans and specifications of the building, as approved by the local authority as aforesaid are disclosed or furnished to the persons who agree to take the flat, the promoter shall not make—

(i) any alteration in the structure prescribed therein in respect of the flat which is agreed to be taken, without the previous consent in writing of that person;

(ii) make any other alterations in the structures of the building or construct any additional structures without the prior consent in writing of all the persons who have agreed to take the flats or their organisation.

(2) Subject to sub-section (1), the building shall be constructed and completed in accordance with the plans and specifications aforesaid, and if any defect in the building or material used, or if any unauthorised change in the construction is brought to the notice of the promoter within a period of one year from the date of handing over possession, it shall be rectified by the promoter within a period of six months without further charges from the persons who have agreed to take the flats, and in other cases such persons shall be entitled to receive reasonable compensation for such defects or change.

14. Refund of amount paid with interest for failure to give possession within specified time or further time allowed.—If—

(a) the promoter fails to give possession in accordance with the terms of his agreement of a plot of land or flat duly completed by the date specified, or any further date or dates agreed to by the parties; or

(b) the promoter for reasons beyond his control and of his agents, is unable to give possession of the plot of land or flat by the date specified, or the further agreed date and a period of three months thereafter or a further period of three months if those reasons still exist,

then in any such case the promoter shall be liable on demand (but without prejudice to any other remedies to which he may be liable) to refund the amount within a period of three months already received by him in respect of the plots of land or flat (with simple interest at twelve per cent per annum from the date he received the sums till the date the amounts and interest thereon is refunded), and the amounts and the interest shall be a charge on the land and the construction if any thereon in which the plot of land or flat is or was to be developed or constructed, to the extent of the amount due, but subject to any prior encumbrances.

15. No mortgage, etc., to be created without consent of parties after execution of agreement for sale.—No promoter shall, after he executes an agreement to sell any plot of land or flat mortgage or create a charge on the plot or flat or the land without the previous consent of the persons who take or agree to take the plot or flats, and if any such mortgage or charge is made or created without such previous consent after the agreement referred to in section 7 is registered, it shall not affect the right and interest of such persons.

16. Promoter to take steps for formation of Co-operative Society.—(1) As soon as a minimum number of persons required to form a Co-operative Society have taken plots or flats, the promoter shall within the prescribed period submit an application to the Registrar for registration of the organisation of such persons as a Co-operative Society:

Provided that a member shall not have any house, flat or other residential accommodation or plot of land in his name or in the name of his family members, such as wife, or husband, children within the Panchayat or Municipal limit in the area of operation of the society or company or in any other housing society or company registered in the State of Goa.

(2) The promoter shall mention in his application for membership of a Co-operative Society the full particulars of the flats which have not been taken by anybody and the promoter shall furnish such information and submit such documents as may be required by the Registrar within a period of one month from the date of service of a notice to that effect on him by the Registrar.

(3) After submission of the proposal for registration to the Registrar, the promoter shall not sell, resell, let-out, sub-let, assign or dispose off any of the plots of land or flats without the prior written consent of the Registrar.

(4) Once the Co-operative Society has been registered the promoter shall not sell, resell, let-out, sub-let, assign or dispose off any of the unsold plots of land or flats without previous consent of the majority of the members, in the general body of the Co-operative Society.

(5) The promoter shall transfer all the roads, open spaces, drainage and other common areas to the Co-operative Society for maintenance and upkeep as soon as the Co-operative Society is formed. The ownership of all such roads, open spaces, drainage and other common areas shall thereafter vest in the Co-operative Society.

(6) The promoter shall hand over all the records pertaining to the formation and registration of the organisation to the Chairman or Secretary of the Co-operative Society within fifteen days from the date of first general body meeting of the society.

17. Promoter to convey title, etc. and execute documents, according to agreement.— A promoter shall take all necessary steps to complete his title and convey to the organisation of persons who take plots of land or flats, which is registered either as a Co-operative Society or as a company as aforesaid, or to an association of plot-takers or flat-takers his right, title and interest in the land and building and execute all relevant documents therefor in accordance with the agreement executed under section 7 and if no period for the execution of the conveyance is agreed upon, he shall execute the conveyance within the prescribed period and also deliver all documents of title relating to the property which may be in his possession or power:

Provided that when such conveyance is not executed within the aforesaid period, after expiry of the said period the conveyance of the property shall be deemed to have been effected in favour of the Co-operative Society.

18. General liabilities of flat-taker.— (1) Every person who has executed an agreement to take a plot of land or flat shall pay at the proper time and place the price, his proportionate share of the municipal taxes, water and electricity charges,

ground rent (if any) and other public charges in accordance with his agreement with the promoter; and where a Co-operative Society of persons taking the plots of land or flats is to be constituted, co-operate in the formation of such society.

(2) Any person who has executed an agreement to take a plot of land or flat and who, without reasonable excuse, fails to comply with or contravenes the provisions of sub-section (1) shall, on conviction be punished with fine which may extend to two thousand rupees.

19. Manager not to cut off, withhold, curtail or reduce essential supply or service.— (1) No person, who is a promoter, or who is in charge of management or connected with the management of a block or building of flats, whether as member of a managing committee, director, secretary or otherwise or is responsible for the maintenance thereof (hereinafter in this section referred to as "the manager"), shall, without just and sufficient cause, either by himself or through any person, cut off, withhold, or in any manner curtail or reduce, any essential supply or service enjoyed by the person who has taken a flat (or by any person in occupation thereof through or under him), in respect of the flat taken or agreed to be taken by him.

(2) The person who has taken or agreed to take the flat or the occupier may, if the manager has contravened the provisions of sub-section (1), make an application to the competent authority for a direction to restore such supply or service.

(3) If the competent authority on enquiry finds that the applicant or the persons through or under whom he is in occupation has been in enjoyment of the essential supply or services and that it was cut off or withheld or curtailed or reduced by the manager without just and sufficient cause, it shall make an order directing the manager to restore such supply or service before a date to be specified in the order.

(4) The manager who fails to restore the supply or services before the date so specified shall for each day during which the default continues thereafter be liable upon a further direction by the competent authority to that effect to fine which may extend to one hundred rupees.

(5) Any manager who contravenes the provisions of sub-section (1) shall, on conviction be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(6) The offence under sub-section (5) shall be cognizable, and shall not be triable by any competent authority inferior to that of a Judicial Magistrate of the First Class.

Explanation I.— In this section, essential supply or service includes the supply of water, electricity, lights in passages and on stair-cases, and lifts and conservancy or sanitary services.

Explanation II.— For the purpose of this section, withholding any essential supply or service shall include acts or omissions attributable to the manager on account of which the essential supply or service is cut off by the local authority or any other competent authority.

20. *Registers to be maintained by competent authority.* — The competent authority shall maintain such registers as may be prescribed showing sufficient particulars of all cases in which licence is granted or refused by him and the said registers shall be available for inspection without charges by all interested persons and such persons shall be entitled to have extracts therefrom.

21. *Competent authority empowered to inspect accounts maintained by promoter.* — (1) The competent authority or any other officer authorised by it in this behalf, shall be competent to inspect the accounts maintained by the promoter who shall produce before him all the relevant records required for this purpose.

(2) The promoter shall get his accounts audited, after the close of every financial year by a chartered accountant and shall produce a statement of accounts duly certified and signed by such chartered accountant in the manner prescribed.

22. *No flat/plot to be transferred or no building to be erected without licence.* — No promoter shall —

(i) without obtaining a licence under section 3, transfer or agree to transfer in any manner flat or plot or make an advertisement or receive any amount in respect thereof;

(ii) erect or re-erect any building in respect of which a licence under section 3 has not been granted.

23. *Power to cancel the licence for contravention of the condition of licence.* — (1) A licence granted under this Act, shall be liable to be cancelled by the competent authority if the promoter contravenes any of the conditions of the licence or the provisions of this Act or the rules made thereunder:

Provided that before such cancellation the promoter shall be given an opportunity of being heard.

(2) After cancellation of the licence, the Government may, if it deems expedient, acquire the land and building, if any, under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894), and may develop it in accordance with any other law. If structure exists on land, it may be acquired by the Government after payment of a reasonable compensation.

(3) The Government may, while allotting flats in the land and building so acquired and developed give preference to the flat or plot buyers in the manner prescribed.

24. *Offences by promoter.* — Any promoter who, without reasonable excuse, fails to comply with or contravenes any provision of this Act or of any rule made thereunder or any of the conditions of the licence granted under section 3, shall where no other penalty is expressly provided for, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both; and a promoter who commits criminal breach of trust of any amounts advanced or deposited with him for the purposes mentioned in section 11 shall, on conviction be punished with imprisonment for a

term which may extend to two years or with fine which may extend to five thousand rupees or with both.

25. *Cognizance of offences.* — (1) No court inferior to that of a Judicial Magistrate of the First Class shall try any offence under the Act.

26. *Appeal.* — Any person aggrieved by any order of the competent authority under this Act may, within a period of thirty days of the communication of the order to him prefer an appeal to the Goa Cooperative Tribunal constituted under the Maharashtra Cooperative Societies Act, 1960 (Maharashtra Act 74 of 1961) as applied to the State of Goa and in such form and manner as may be prescribed:

Provided that the appeal may be entertained after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time:

Provided further that the Tribunal hearing an appeal under the Act shall exercise all powers conferred upon an appellate Court by section 97 and Order XLI in the First Schedule of the Code of Civil Procedure, 1908 (Central Act V of 1908).

27. *Delegation.* — The Government may, by notification direct that the powers exercisable by it under the provision of this Act, except under section 29 shall, in such circumstances and under such conditions as may be specified therein, be exercised also by an officer subordinate to it.

28. *Power to exempt.* — If the Government is of the opinion that the operation of any of the provisions of this Act causes undue hardship or if circumstances exist which render it expedient so to do, may exempt any person or persons or association of persons from all or any of the provisions of the Act.

29. *Power to make rules.* — (1) The Government, may, subject to the conditions of previous publication, by notification in the Official Gazette, make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the particulars to be contained in the application for licence to be submitted by the promoter and the fees to be charged for grant/renewal of licence and the form in which licence shall be given;

(b) the particulars to be contained in the agreement for sale and the documents or copies thereof to be attached to such agreement;

(c) the authority to whom the prospectus, advertisement or notice is to be submitted;

(d) the period within which the promoter shall execute the conveyance of the flat or plot of land;

(e) the registers to be maintained by the promoter;

(f) the manner in which accounts are to be maintained by the promoters;

(g) Any other matter which has to be, or may be prescribed.

30. *Provisions of this Act to have overriding effect.* — The provisions of this Act, except where otherwise provided, shall be in addition to the provisions of the Transfer of Property Act, 1882 (Central Act 4 of 1882), and shall take effect notwithstanding anything to the contrary contained in any contract.

31. *Act not to apply to Housing Board.* — Nothing in this Act shall apply to the Goa, Daman and Diu Housing Board constituted under section 4 of the Goa, Daman and Diu Housing Board Act, 1968, (Act 12 of 1968).

Statement of Objects and Reasons

The Goa Plots and Flats Ownership Regulation Bill, 1988 seeks to achieve the objects of regulating the promotion of the construction, Sale and Management and Transfer of flats/plots, taken on ownership basis in the State of Goa. The Bill provides for compulsory registration of agreement, maintenance of separate accounts, rectification of defects in construction within the prescribed time limit, formation of a Co-operative Society or Company by the purchasers thereof, conveyance of title, execution of documents, etc. It will also be obligatory on the part of the promoter/builder to furnish true and correct information about the building/flats to be constructed or constructed, to the competent authority and the flat buyer. It also provides for maintenance of essential supplies or services to the flat owners, imposition of heavy penalties for non-compliance of the provisions of the Act, and a machinery for settlement of disputes.

Financial Memorandum

In clause 3 the promoter who intends to develop plot for housing or to construct a building of flats has to make application to the Competent Authority.

In clause 4 the Competent Authority is empowered to conduct an enquiry before grant of licence.

In clause 20 the Competent Authority shall maintain such registers as may be prescribed showing particulars etc.

In clause 21 the Competent Authority is empowered to inspect the accounts maintained by the promoter.

The aforesaid provisions would require the creation of an office to assist the competent authority in the discharge of his functions. The Bill, if enacted will be applicable to the State of Goa, and will cover all buildings whether residential, commercial or of any other nature. For effecting the implementation of the provisions, the works of the competent authority is proposed to be divided into three zones namely Panaji covering the talukas of Tiswadi, Ponda, Mapusa covering the talukas of Bardez, Pernem, Satari and Bicholim and Margao covering the talukas of Salcete, Mormugao, Quepem, Sanguem and Canacona. The staff component required for assisting the competent authority in the work relating to these three zones has been estimated to result in a recurring expenditure of Rs. 3,05,000/-.

There would be no need for hiring of other premises since it is proposed to have office attached to the Asstt. Registrar of Co-operative Societies at Panaji, Mapusa and Margao.

Memorandum Regarding Delegated Legislation

Clause 29 of the Bill empowers the Government to make rules for carrying into effect the provisions of the Act.

This delegation is of normal character.

Panaji,
3-3-1988.

DR. LUIS PROTO BARBOSA
Minister for Urban Development

Assembly Hall,
Panaji,
11-3-1988.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

LA/B/961/1988

Dt. 22/3/1988

The following Bill which was introduced in the Legislative Assembly of Goa on 22/3/1988 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Motor Vehicles Tax (Amendment) Bill, 1988

(Bill No. 21 of 1988)

A

BILL

further to amend the Goa, Daman and Diu Motor Vehicles Tax Act, 1974.

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Motor Vehicles Tax (Amendment) Act, 1988.

(2) It shall come into force with effect from the 1st day of May, 1988.

2. *Amendment of section 3.* — In section 3 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act 8 of 1974) (hereinafter referred to as the "principal Act"), after the second proviso to sub-section (1), the following proviso shall be inserted, namely: —

"Provided that, in the case of motor vehicles other than transport vehicles, the tax shall be levied at the rates specified in Part 'B' of the Schedule."

3. *Amendment of section 4.* — In section 4 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely: —

"(4) Notwithstanding anything contained in the preceding sub-sections, the tax levied under the third proviso to sub-section (1) of section 3 shall be paid in advance in a lumpsum by the registered owner or persons having possession or control of the vehicle, and the tax so paid shall be for the life time of the vehicle unless the vehicle is altered during such period, or proposed to be used in such a manner as to cause the vehicle to become a vehicle in respect of which a different rate of tax is payable:

Provided that, in respect of the vehicles registered prior to the 1st day of May, 1988, such tax shall be paid on or before the last working day of June, 1988.

Provided further that in respect of the vehicles registered prior to the 1st day of May, 1988, such tax shall be paid after deduction of the tax already paid for the period from the 1st day of May, 1988 upto the period for which it is paid, under the Schedule appended to the principal Act."

4. *Amendment of section 5.* — In section 5 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely: —

"(5) Notwithstanding anything contained in the preceding sections, issue of tax token and tax licence to the person paying the tax shall not be necessary where the tax is paid under the third proviso to sub-section (1) of section 3:

Provided that, the Taxation Authority shall, on payment of the tax for the life time of the vehicle cause to be made in the Registration Certificate of the said vehicle an entry of such payment."

5. *Amendment of section 9.* — In section 9 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

"(3) Notwithstanding anything contained in sub-sections (1) and (2), where tax has been paid under sub-section (4) of section 4, the registered owner who has paid such tax shall be entitled to a refund of tax at the rate specified in part 'C' of the Schedule in case of cancellation of registration of vehicle on account of scrapping of such vehicle due to accident or other causes.

6. *Amendment of section 12.* — In section 12 of the principal Act, the following proviso shall be inserted, namely: —

"Provided that, if the tax in respect of any motor vehicle has not been paid as specified in the proviso to sub-section (4) of section 4, the registered owner or the person having possession or control of the motor vehicle shall be liable to pay penalty to the extent of 1% of the tax payable for each defaulting month or part thereof."

7. *Amendment of Schedule.* — For the Schedule to the principal Act, the following Schedule shall be substituted: —

"SCHEDULE
PART 'A'
SCHEDULE OF TAXATION
 (Section 3)

Class of Motor Vehicles	Maximum Annual Rate of tax in Rs.
A. Motor Vehicles fitted solely with pneumatic tyres.	
I. Motor cycles and tricycles:	
(including motor scooters and cycles with attachment for propelling the same by mechanical power)	
(a) upto half horse power	15-00
(b) more than half horse power	60-00
(c) for every side car attached	15-00
	(in addition to the rates specified above)
(d) tricycles: For every 25 Kgs. weight or part thereof ...	12-00
II. Motor cycles used for hire	60-00
III. Motor vehicles not exceeding 25 Kgs. in weight unladen adapted for use for invalids	6-00
IV. Goods vehicles:	
For every 100 Kgs. of registered laden weight or part thereof:	
(i) driven on fuel other than diesel	15-00
(ii) driven on diesel	18-00
V. Taxis and Auto Rickshaws:	
Taxis—	
(a) Up to 3 seaters	225-00
(b) Up to 4 seaters	250-00
(c) Up to 5 seaters	270-00
For every additional seat up to a maximum of 7 seats	25-00
Auto Rickshaws up to 2 seats	60-00
Auto Rickshaws up to 2 seats used for hire ...	90-00
VI. Passenger Vehicles:	
(a) Up to 18 seats	600-00
(b) For every additional seat over 18 seats ...	35-00
(c) For every passenger (other than seated passenger) which the vehicle is permitted to carry ...	35-00
VII. Private vehicles with seating capacity above 7 upto 18 seats	600-00
<i>Explanation: In Items V, VI and VII above the seating capacity is to be determined exclusively of the driver's seat.</i>	
VIII. Motor Vehicles other than those liable to tax under the foregoing provisions of the Schedule:	
(a) Upto 850 Kgs. weight unladen	200-00
(b) Over 850 Kgs. upto 1200 Kgs. weight unladen	250-00
(c) Over 1200 Kgs. upto 2500 Kgs. weight unladen	350-00
(d) Over 2500 Kgs. weight unladen upto 5000 Kgs.	400-00
(e) Every 1000 Kgs. or part thereof in excess of 5000 Kgs.	60-00
IX. Additional tax payable in respect of motor vehicles used for drawing trailers.	
A. (a) For each trailer when it is used for the carriage of goods	At the rates specified in Clause IV in respect of motor vehicles used for carriage of goods or material.
(b) For each trailer when used for the carriage of passengers	At the rates specified in Clause V in respect of motor vehicles plying for hire and used for the carriage of passengers.
B. Motor Vehicles other than those fitted with pneumatic tyres	The rates shown in Clause A plus 50 per centum.
C. Dealers in, or manufacturers of, motor vehicles:	
(a) General licence in respect of each vehicle ...	75-00

PART 'B'
SCHEDULE OF TAXATION
(Section 3)

Item No.	Class of Vehicles	Motor Cycles/Motor Scooters		Tricycles for every 25 Kgs. weight or part thereof	Private vehicles with seating capacity of above 7 upto 18 seats	Motor vehicles upto 850 Kgs. weight unladen	Motor vehicles over 850 upto 1200 Kgs. weight unladen	Motor vehicles over 1200 upto 2500 Kgs. weight unladen	Motor vehicles over 2500 Kgs. weight unladen upto 5000 Kgs.	Every 1000 Kgs. or part thereof in excess of 5000 Kgs.
		upto half Horse power	more than half Horse power							
1	2	3	4	5	6	7	8	9	10	11
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	A. At the time of Registration of New Vehicle ...	120.00	480.00	95.00	5305.00	1770.00	2210.00	3095.00	3535.00	530.00
	B. If the vehicle is already registered and its age from the Month of Registration is —									
1.	Not more than two years ...	115.00	465.00	95.00	5220.00	1740.00	2175.00	3045.00	3480.00	520.00
2.	More than 2 years but not more than 3 years ...	110.00	450.00	90.00	5130.00	1710.00	2135.00	2990.00	3420.00	515.00
3.	More than 3 years but not more than 4 years ...	110.00	430.00	85.00	5030.00	1675.00	2095.00	2935.00	3350.00	505.00
4.	More than 4 years but not more than 5 years ...	105.00	415.00	85.00	4915.00	1640.00	2050.00	2865.00	3275.00	490.00
5.	More than 5 years but not more than 6 years ...	100.00	390.00	80.00	4790.00	1595.00	1995.00	2795.00	3195.00	480.00
6.	More than 6 years but not more than 7 years ...	90.00	370.00	75.00	4650.00	1550.00	1935.00	2710.00	3100.00	465.00
7.	More than 7 years but not more than 8 years ...	85.00	345.00	70.00	4495.00	1500.00	1875.00	2620.00	2995.00	450.00
8.	More than 8 years but not more than 9 years ...	80.00	315.00	65.00	4325.00	1440.00	1800.00	2520.00	2885.00	430.00
9.	More than 9 years but not more than 10 years ...	70.00	285.00	55.00	4135.00	1380.00	1720.00	2410.00	2755.00	415.00
10.	More than 10 years but not more than 11 years ...	60.00	245.00	50.00	3920.00	1305.00	1635.00	2290.00	2615.00	390.00
11.	More than 11 years but not more than 12 years ...	50.00	205.00	40.00	3690.00	1230.00	1535.00	2160.00	2460.00	370.00
12.	More than 12 years but not more than 13 years ...	40.00	165.00	30.00	3430.00	1140.00	1430.00	2000.00	2285.00	340.00
13.	More than 13 years but not more than 14 years ...	30.00	115.00	20.00	3140.00	1045.00	1310.00	1830.00	2090.00	315.00
14.	More than 14 years but not more than 15 years ...	15.00	60.00	12.00	2820.00	940.00	1175.00	1645.00	1880.00	280.00
15.	More than 15 years but not more than 16 years ...				2460.00	820.00	1025.00	1435.00	1640.00	245.00
16.	More than 16 years but not more than 17 years ...				2065.00	690.00	860.00	1205.00	1375.00	205.00
17.	More than 17 years but not more than 18 years ...				1630.00	545.00	680.00	950.00	1085.00	165.00
18.	More than 18 years but not more than 19 years ...				1140.00	380.00	475.00	665.00	780.00	115.00
19.	More than 19 years but not more than 20 years ...				600.00	200.00	250.00	350.00	400.00	60.00

PART 'C'
SCALES OF REFUND
 (Section 9)

Sr. No.	Scale of refund	Motor cycles/Motor scooters		Tricycles for every 25 Kgs. weight or part thereof	Private vehicles with seating capacity above 7 upto 18 seats	Motor vehicles upto 850 Kgs. weight unladen	Motor vehicles over 850 Kgs. upto 1200 Kgs. weight unladen	Motor vehicles over 1200 Kgs. upto 2500 Kgs. weight unladen	Motor vehicles over 2500 Kgs. weight unladen upto 5000 Kgs.	Every 1000 Kgs. or part thereof in excess of 5000 Kgs.
		upto half horse power	more than half horse power							
1	2	3	4	5	6	7	8	9	10	11
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	If, after registration, cancellation of registration of vehicles takes place —									
1.	Within a year	105.00	419.00	84.00	4704.00	1568.00	1960.00	2744.00	3136.00	470.00
2.	After 1 year but within 2 years	101.00	405.00	81.00	4621.00	1540.00	1925.00	2696.00	3081.00	462.00
3.	After 2 years but within 3 years	97.00	390.00	78.00	4529.00	1510.00	1887.00	2642.00	3020.00	453.00
4.	After 3 years but within 4 years	93.00	372.00	74.00	4428.00	1476.00	1845.00	2583.00	2952.00	443.00
5.	After 4 years but within 5 years	88.00	353.00	71.00	4315.00	1438.00	1798.00	2517.00	2876.00	431.00
6.	After 5 years but within 6 years	83.00	332.00	66.00	4189.00	1396.00	1745.00	2444.00	2793.00	419.00
7.	After 6 years but within 7 years	77.00	309.00	62.00	4050.00	1350.00	1687.00	2362.00	2700.00	405.00
8.	After 7 years but within 8 years	71.00	283.00	57.00	3895.00	1298.00	1623.00	2272.00	2597.00	390.00
9.	After 8 years but within 9 years	63.00	254.00	51.00	3724.00	1241.00	1552.00	2172.00	2483.00	372.00
10.	After 9 years but within 10 years	55.00	223.00	45.00	3534.00	1178.00	1472.00	2061.00	2356.00	353.00
11.	After 10 years but within 11 years	47.00	186.00	37.00	3322.00	1107.00	1384.00	1938.00	2215.00	332.00
12.	After 11 years but within 12 years	37.00	147.00	29.00	3088.00	1029.00	1287.00	1801.00	2058.00	309.00
13.	After 12 years but within 13 years	26.00	103.00	21.00	2827.00	942.00	1178.00	1649.00	1885.00	283.00
14.	After 13 years but within 14 years	14.00	54.00	11.00	2538.00	846.00	1058.00	1481.00	1692.00	254.00
15.	After 14 years but within 15 years	Nil	Nil	Nil	2218.00	739.00	924.00	1294.00	1478.00	222.00
16.	After 15 years but within 16 years	—	—	—	1861.00	620.00	776.00	1086.00	1241.00	186.00
17.	After 16 years but within 17 years	—	—	—	1466.00	489.00	611.00	855.00	977.00	147.00
18.	After 17 years but within 18 years	—	—	—	1028.00	343.00	428.00	599.00	685.00	103.00
19.	After 18 years but within 19 years	—	—	—	541.00	180.00	225.00	315.00	360.00	54.00
20.	After 19 years but within 20 years	—	—	—	—	—	—	—	—	—

Statement of Objects and Reasons

The Twentieth Meeting of the Transport Development Council has resolved that all State Governments/Union territory Administrations should introduce the system of one-time taxation, already tried in some States, in respect of personalised vehicles, by 1-4-1988.

The advantage of this system is that the work-load in the offices of the Transport Department shall be reduced considerably and the saving of man-hours can be utilised for more useful purpose.

This Bill seeks to amend the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 to that effect.

Financial Memorandum

There are 10,702 cars (personalised vehicles) and 53,946 motor cycles and scooters (personalised vehicles) as on 31-3-1987. It is estimated that the annual revenue that would have accrued for the year 1988-89 as per the present system would be around Rs. 65,08,480/-, whereas under the proposed system, it would be around Rs. 3,56,49,290/-. The revenue in respect of newly registered vehicles of such type in a year is expected to be around Rs. 73,73,000/-. The schedule of one time tax has been calculated on the basis of discounted cash flow method; considering the rate of interest of 11% p.a. (compound) and assuming the economical life of 20 years in case of cars and 15 years in case of motor cycles/scooters.

(Annexure to Bill No. 21 of 1988)

The Goa Motor Vehicles Tax (Amendment) Bill, 1988

The Goa, Daman and Diu Motor Vehicles Tax Act, 1974

3. *Levy of Tax.*—(1) A Tax shall be leviable on every motor vehicle used or kept for use in the Union Territory at such rates not exceeding the rates specified in the Schedule to this Act, as the Government may, by notification in the Official Gazette, specify:

Provided that in the case of motor vehicles kept by a dealer in or manufacturer of, such vehicles for the purposes of trade, the tax shall be payable by such dealer or manufacturer on such vehicles which (Central Act 4 of 1939) under the rules made under the Motor Vehicles Act, 1939, have been permitted to be used on the road whether under a trade certificate or under a temporary registration.

Provided also that the Government may, in respect of any motor vehicle or class of vehicles prescribed by rule or order that tax in respect of such vehicle or class of motor vehicles shall be levied for periods less than a quarter for which such vehicle or class of vehicles has been kept for use in the Union territory and whereupon tax shall be paid in respect of such vehicles or class of vehicles at such rate as may be prescribed for periods less than a quarter, so however that it shall not proportionately be in excess of the annual rate.

4. *Payment of tax.*—(1) The tax levied under section 3 shall be paid in advance by every registered owner, or person having possession or control of the motor vehicle for a quarter, half year or year, at his choice and on such payment, he shall be granted a quarterly, half yearly or annual tax licence as the case may be:

Provided that the tax levied under sub-section (3) of section 3 shall be paid in respect of such vehicles at such rates as may be prescribed for periods less than a quarter.

Explanation.—The tax of a half yearly licence shall be double the tax for the quarterly licence and the tax for the yearly licence shall be four times the tax for a quarterly licence:

Provided further that any broken period in such quarterly periods shall, for the purposes of levying the tax, be considered as a full period.

Provided also that the registered owner or person having possession or control of the motor vehicle shall, at the time of making payment of tax under this sub-section produce before the authority a valid certificate of insurance in respect of the vehicle complying with the requirements of Chapter VIII of the Motor Vehicles Act, 1939. (Central Act 4 of 1939)

(2) In the case of the annual licences, such rebate in respect of the tax as may be prescribed, shall be granted.

(3) In calculating the amount of tax due under sub-section (1) for any period less than one year, the fraction of a rupee less than fifty paise shall be taken as fifty paise, and the fraction of a rupee exceeding fifty paise shall be taken as a rupee.

5. *Issue of tax token and tax licence.*—(1) When the tax leviable under section 3 in respect of any motor vehicles is paid, the taxation authority shall determine the amount of tax and issue to the person paying the tax—

(b) a tax licence in the prescribed form, indicating therein the rate at has been paid, and

(b) a tax licence in the prescribed form, indicating therein the rate at which the tax is leviable and the period for which the tax has been paid.

(2) Where a tax licence has already been issued in respect of such motor vehicle, the taxation authority shall, on payment of tax as aforesaid, cause to be made in the tax licence on entry of any such payment.

(3) No motor vehicle liable to tax under section 3, shall be kept in the Union territory, unless the registered owner or the person having possession or control or such vehicle has obtained a tax licence under sub-section (1) in respect of that vehicle.

(4) No motor vehicle liable to tax under section 3 shall be used in a public place unless a valid tax token obtained under sub-section (1) is displayed on the vehicle, in the prescribed manner.

9. *Refund of tax.*—(1) Where a tax on any motor vehicle has been paid for any period and it is proved to the satisfaction of the Taxation Authority that the vehicle has not been used during the whole of that period or a continuous part thereof not being less than one calendar month, a refund shall be made of such portion of the tax subject to such conditions as may be prescribed.

(2) Where a motor vehicle in respect of which the tax has been paid is altered in such a manner as to cause it to become a vehicle in respect of which a tax is leviable at a lower rate the person who has paid such tax shall be entitled on the production of a certificate signed by a Registering Authority stating that the vehicle has been so altered to a refund of a sum equal to the difference between the amount which would be refundable to him in accordance with the provisions of sub-section (1), on the surrender of the tax token and the amount of tax liable on such vehicle at the lower rate.

12. *Penalty for failure to pay tax.*—If the tax due in respect of any motor vehicle has not been paid as specified in section 4 or section 7, the registered owner or the person having the possession or control thereof shall, in addition to the payment of the tax due, be liable to a penalty, which may extend to twice the quarterly tax in respect of that vehicle to be levied by such officer, by order in writing and in such manner as may be prescribed.

"SCHEDULE

Schedule of Taxation

(Section 3)

A. Motor Vehicles fitted solely with pneumatic tyres.

I. Motor cycles and tricycles (including motor scooters and cycles with attachment for propelling the same by mechanical power)

(a) upto half horse power	Rs. 15-00
(b) more than half horse power	Rs. 40-00
(c) for every side car attached	Rs. 5-00
(d) tricycles:	

(in addition to the rates specified above)

For every 25 Kgs. weight or part thereof Rs. 12-00

"I. A. Motor cycles used for hire Rs. 60-00

II. Motor vehicles not exceeding 25 Kgs. in weight unladen adapted for use for invalids. Rs. 6-00

III. Goods vehicles:

For every 100 Kgs. of registered laden weight or part thereof:

(i) driven on fuel other than diesel	Rs. 15-00
(ii) driven on diesel	Rs. 18-00

IV. Taxis and Auto Rickshaws:

Taxis —

(a) Up to 3 seaters	Rs. 225-00
(b) Up to 4 seaters	Rs. 250-00
(c) Up to 5 seaters	Rs. 270-00
For every additional seat up to a maximum of 7 seats	Rs. 25-00
Auto Rickshaws upto 2 seats	Rs. 60-00
("Auto Rickshaws up to 2 seats used for hire	Rs. 90-00")

V. Passenger Vehicles:

(a) Up to 18 seats	Rs. 600-00
(b) For every additional seat over 18 seats ...	Rs. 35-00
(c) For every passenger (other than seated passenger) which the vehicle is permitted to carry	Rs. 35-00

Explanation: In Items (IV) and (V) above the seating capacity is to be determined exclusively of the driver's seat.

VI. Motor Vehicles other than those liable to tax under the foregoing provisions of the schedule:

(a) Upto 850 Kgs. weight unladen	Rs. 80-00
(b) Over 850 Kgs. upto 1200 Kgs. weight unladen	Rs. 100-00
(c) Over 1200 Kgs. upto 2500 Kgs. weight	Rs. 150-00
(d) Over 2500 Kgs. weight unladen upto 5000 Kgs.	Rs. 300-00
(e) Every 1000 Kgs. or part thereof in excess of 5000 Kgs.	Rs. 60-00

VII. Additional tax payable in respect of motor vehicles used for drawing trailers.

(a) For each trailer when it is used for the carriage of goods	At the rates specified in Clause III in respect of motor vehicles used for the carriage of goods or material.
(b) For each trailer when used for the carriage of passengers	At the rates specified in Clause IV in respect of motor vehicles plying for hire and used for the carriage of passengers.

B. Motor Vehicles other than those fitted with pneumatic tyres

The rates shown in Clause A plus 50 percentum.

C. Dealers in, or manufacturers of, motor vehicles:

(a) General licence in respect of each vehicle	Rs. 75-00
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Assembly Hall,
Panaji,
8th January, 1988.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

Governor's recommendation under rule 207 of the Constitution:

In pursuance of Clauses (1) and (3) of article 207 of the Constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa, the introduction and consideration of the Goa Motor Vehicles Tax (Amendment) Bill, 1988.

LA/B/1009/1988

Dt. 28/3/1988

The following Bill which was introduced in the Legislative Assembly of Goa on 25-3-1988 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 1988

(Bill No. 16 of 1988)

**A
BILL**

further to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 Act No. 2 of 1969).

Be it enacted by the Legislative Assembly of Goa in the Thirty Ninth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1988.

(2) It shall come into force at once.

2. Amendment of Section 23.— In sub-section (1) of sub-section 23 of the Goa Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969) (hereinafter called the 'Principal Act') after the first proviso the following proviso shall be inserted namely:—

"Provided further that in case of gift from either of parents the above period of five years shall be reduced to one year".

Statement of Objects and Reasons

Under the section 23 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 a person who becomes a landlord after the commencement of the tenancy of an instruments "inter vivos" shall not be entitled to apply for the possession of the same for his occupation before the expiry of five years from the date on which the instrument was registered.

In case where a particular building has been purchased by a sale deed or similar deeds there is some justification in the imposition of a period of five years as it is a safeguard against certain malpractice which may be resorted to secure eviction of the respective tenants. But in cases when the respective building is transferred by way of gift, without any consideration of money to the persons who can be considered as members of the family, the restriction imposed by this section appears to be too long and as such it is proposed to reduce that period to one year instead of five as during that period the tenant could make arrangements to find alternate accommodation provided the bonafides are proved before the competent authorities.

In order to reduce that period of five years to one, amendment is proposed.

Financial Memorandum

No financial implication is involved in the Bill.

Panaji,
25th Febraury, 1988.

Shri J. B. Gonsalves
M.L.A.

Assembly Hall,
Panaji
3rd March, 1988.

M. M. Naik
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 16 of 1988)

The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 1988

The Goa, Daman and Diu Building (Lease, Rent and Eviction) Control Act, 1968

23. Landlord's right to obtain possession. — (1) A landlord may, subject to the provisions of section 24, apply to the Controller for an order directing the tenant to put him in possession of the building:—

(a) in case it is a residential building:—

(i) if the landlord is not occupying a residential building of his own in the city, town or village concerned and he require it for his own occupation or for the occupation of any member of his family, or

(ii) if the landlord who has more buildings than one in the city, town or village concerned is in occupation of one such building and he bonafide requires another building instead, for his own occupation;

(b) in case it is a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires it for his own or to the possession of which he is entitled in the city, town or village concerned which is his own or to the possession of which he is entitled whether under this Act or otherwise;

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument 'inter vivos' shall not be entitled to apply under this sub-section before the expiry of five years from the date on which the instrument was registered:

Provided further that where a landlord has obtained possession of a building under this section, he shall not be entitled to apply again under this section—

(i) in case he has obtained possession of a residential building for possession of another residential building of his own;

(ii) in case he has obtained possession of a non-residential building for possession of another non-residential building of his own.

(2) Where the landlord of a residential building is a religious, charitable educational or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller, subject to the provisions of section 24, for an order directing the tenant to put the institution in possession of the building.

(3) A landlord who is occupying only a part of a residential building, may, notwithstanding anything in sub-section (1), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if he requires additional accommodation for his own use or for the use of any member of his family.

Explanation:— For the purpose of this section, a landlord means a person, on account of or on behalf of or for the benefit of whom the rent of a building is received but does not include an agent, trustees, guardian or receiver.

24. Saving in case of tenancy for a fixed term.—Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply for possession under section 23 before the expiry of such period.

Assembly Hall,
Panaji,
3rd March 1988.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

LA/B/1010/1988

Dt. 28/3/1988

The following Bill which was introduced in the Legislative Assembly of Goa on 25-3-1988 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Maharashtra Co-operative Societies (Goa Amendment)

Bill, 1988

(Bill No. 18 of 1988)

A

BILL

Further to amend the Maharashtra Co-operative Societies Act, 1960 in its application to State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Maharashtra Co-operative Societies (Goa Amendment) Act, 1988.

(2) It shall come into force on such date as the Government, may, by notification in the Official Gazette appoint.

2. **Insertion of new section 44A.**— After section 44 of the Maharashtra Co-operative Societies Act, 1960 as extended to the Union Territory of Goa, Daman and Diu, (Act No. XXIV of 1961) (hereinafter referred to as the 'principal Act') the following section shall be inserted, namely:—

"44A. **Limit of interest in certain cases.**— Notwithstanding anything contained in any agreement or any law for the time being in force, a society, (other than a land development bank), shall not, for any loan given by it to any member for a period not exceeding 15 years (whether the loan was given before or is given after the commencement of the Maharashtra Co-operative Societies (Goa Amendment) Act, 1988) charge on account of interest, a sum greater than the principal of the loan.

Explanation:— 'Principal of the loan' means (Principal of the loan due) at the time of charging interest and not the amount of original loan".

Statement of Objects and Reasons

This new section makes the rule of dam duppat applicable to a Co-operative Society. Therefore, a society cannot recover arrears of interest exceeding the amount of principal then due. Award in granting interest in excess of the principal amount then due, on appeal or appeal will be modified by reducing the amount of the excess interest. The section, however, is inapplicable to land development bank.

Section-23 of the Bombay Money Lenders Act, 1946 extends the rule of dam duppat to all classes

of money lending transactions; but that Act does not apply to loan advanced by Co-operative Society.

The section does not apply to a loan given by a land development bank, and also it does not apply to a loan given by a society for a period exceeding 15 years. The section is retrospective in operation. Therefore, interest recoverable by a society on a loan advanced before the enactment of this section shall not be greater than the principal of the loan. The word 'Principal of loan' means 'Principal of the loan due' at the time of charging interest, and not the amount of original loan. At the date of the dispute, the principal was Rs. 3000; hence interest more than Rs. 3000; cannot be allowed. In such case the award will be only for Rs. 6000 only.

The bill seeks to achieve the above aim.

Financial Memorandum

No financial implications are involved in this bill.

Memorandum on Delegated Legislation

The Bill does not contemplate Delegation of Legislative Power.

Panaji
18th February 1988

7th March, 1988
Assembly Hall
Panaji.

Luizinho Faleiro
M. L. A.

M. M. Naik
Secretary to the Legislative
Assembly of Goa

LA/B/1011/1988

Dt. 28/3/1988

The following Bill which was introduced in the Legislative Assembly of Goa on 25-3-1988 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1988

(Bill No. 23 of 1988)

A

BILL

Further to amend the Goa Salary, Allowances and Pension of Members of Legislative Assembly Act, 1964.

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa Salary, Allowances and Pension of Members of Legislative Assembly (Amendment) Act, 1988.

(2) It shall be deemed to have come into force at once.

2. *Amendment of Section 5.* — In Section 5 of the Goa Salary, Allowances and Pension of Members of Legislative Assembly Act, 1964 (Act No. 2 of 1965),—

(i) in Sub-Section (2)—

(a) after the words “a journey by road”, the words “or by air” shall be inserted.

(b) for the words and figures “travelled by rail” the words and figures “travelled by rail or actual air fare for each journey undertaken, as the case may be;” shall be substituted.

(c) in proviso, for the words and figures “by rail”, the words and figure “by rail or actual air fare with respect to journey undertaken, as the case may be.” shall be substituted:

Statement of Objects and Reasons

The bill proposes to extend the facilities to the Members of Legislative Assembly while on official tour outside the State of Goa to undertake the journey by air instead of railway which consumes considerable time as Members of the Assembly cannot spend the time in railway journey as they are expected to be at the headquarter and in their Constituency to carry out the duties assigned to them as a representatives of the people.

Financial Memorandum

The recurring expenditure on account of extending the facilities to MLA's to travel by air will be around Rs. 50,000/- per year as otherwise as per existing rules Members are entitled to travel by I class Railway.

Panaji,
28th February, 1988.

Ravi Naik
M.L.A.

Assembly Hall
Panaji
11th March 1988

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

(Annexure to Bill No. 23 of 1988)

The Goa Salary, Allowances and Pension of Members of the
Legislative Assembly (Amendment) Bill, 1988

The Goa Salary, Allowances and Pension of Members of
Legislative Assembly Act 1965

5. Travelling Allowance. — (1) In respect of every journey performed by a member for the purpose of attending a session of the Assembly or a sitting of a Committee or of attending to any other business connected with his duties as a member, he shall be entitled to travelling allowance from his usual place of residence to the place where the session or the sitting is to be held or the other business is to be transacted and for the return journey from such place to his usual place of residence the amount of such allowance being such as would be admissible in respect of journeys on tour to a First Grade Officer of the Central Government serving in connection with administration of the State of Goa and shall also be entitled to an advance of travelling Allowance when proceeding on tour outside the State of Goa in connection with his duties as a member on the same terms and condition as are applicable to the grant of an advance to the First Grade Officer aforesaid in connection with the tour.

(2) Notwithstanding anything contained in sub-section (1) a member who performs a journey by road between places connected by rail, either wholly or in part, may draw the road mileage in place of the travelling allowance which would have been admissible to him if he had travelled by rail.

Provided that the total amount of travelling allowance drawn by such member for the entire journey shall not exceed the amount which would have been admissible to him, had he performed the journey by rail.

Assembly Hall
Panaji
11th March 1988

M. M. NAIK
Secretary to the Legislative
Assembly of Goa